

HELGE AHRENS ET AL.
USSN 09/955,852

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the amendments above and the following comments.

Claims 2, 4-12 are pending. Independent claims 1 and 3 have been canceled. New claims 11 and 12 have been added. New main claim 11 is essentially previous claim 3 made independent. Amendments have been made to claims 2, 4-10 for proper dependency and/or to place the claims in proper patent practice format. For example, the preferred clause "in particular" contained in claim 9 has now been made subject of new dependent claim 12. A mark-up showing the changes that have been made to these claims using brackets and underlining is attached. It is believed that no new matter has been added.

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Rejections under 35 U.S.C. 112, second paragraph

The Examiner rejected the claims under 35 U.S.C. 112, second paragraph as being indefinite. In response, the claims have been amended to conform them to proper patent practice format. New claim 11 makes it clear that the adhesive layer and polyurethane matrix are separate layers, although the polyurethane matrix is centrally disposed inside the adhesive layer.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Rejections under 35 U.S.C. 102

The Examiner rejected claims 1, 2, 5 and 9 under 35 U.S.C. 102(b) for being anticipated by Samuelsen (U.S. Patent No. 4,867,748). According to the Examiner, the reference teaches a wound dressing comprising a central sealing pad that is beveled along its outer edge in thickness. The Examiner found the sealing pad to comprise polyurethane and to be inherently vapor pervious.

The Examiner also rejected claims 1, 2, 5, 6 and 9 under 35 U.S.C. 102(b) as being anticipated by Jensen (U.S. Patent No. 5,591,447). According to the Examiner, the reference teaches a wound dressing comprising a backing layer of polyurethane or polyamide, a removable release layer, and an adhesive layer between the aforementioned layers.

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In response to both anticipation rejections, Applicants have canceled the independent claim 1 and now make new independent claim 11 (former independent claim 3) the new main claim. Applicants point out the Examiner did not reject former claim 3 in her anticipation rejections. Accordingly, Applicants submit new main claim 11 is also free of these rejections.

In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw the anticipation rejections. An early notice that both anticipation rejections have been reconsidered and withdrawn is, therefore, earnestly solicited.

Rejections under 35 U.S.C. 103

The Examiner rejected claims 1-10 under 35 U.S.C. 103(a) as being obvious in view of either Samuelson or Jensen. The Examiner also rejected claims 1-10 under 35 U.S.C. 103(a) as being obvious in view over Samuelson or Jensen in view of Neperud (U.S. Patent No. 4,855,335). Samuelson and Jensen are generally discussed above. According to the Examiner, Neperud teaches a wound dressing comprising pharmacologically active agents. The Examiner concedes the references do not teach the adhesive layer between the carrier film and the matrix, the exact thicknesses claimed, or the active agents in the matrix. However, the Examiner found these to be well-known in the art. The Examiner ultimately found it would have been obvious to a person of ordinary skill in the art to provide a wound dressing of either reference that bevels towards the edge and to include active ingredients in the active layer.

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In response, Applicant would remind the Examiner combined references must teach or suggest all the claim limitations. See MPEP §2143. Applicant submits neither reference, alone or in combination, would have led a person having ordinary skill in the art to the present invention, because there is no suggestion or other evidence of motivation in either reference or in their combination to place an adhesive layer between the carrier film and the matrix so that the matrix is centrally disposed in the adhesive, or in the exact thicknesses where claimed, or with the active agents in the matrix where recited. Jensen discloses an adhesive layer containing a matrix *dispersed throughout* rather than an adhesive layer containing a matrix *centrally disposed within*, as presently claimed. See col. 3, lines 29-44. Applicants submit there is no suggestion for the matrix and adhesive layer to be separate layers, or for the matrix to be centrally disposed within the adhesive. Like Jensen, Samuelsen does not suggest any of the claimed layers, or the central disposition of the matrix within the adhesive. Rather, Samuelsen refers to a sealing pad that contains a hydrocolloid. See col. 3, lines 3-4. Regarding Neperud, nowhere in the reference are separate layers or exact thicknesses suggested such that a person of ordinary skill in the art would have been led to employ a pharmacological agent in any specific layer. Rather, Neperud, Samuelsen and Jensen, are very broad teachings where each reference fails to teach the claimed elements. The Examiner herself conceded these claim elements are not taught by the references. Accordingly, the claims would not have been rendered *prima facie* obvious by the references - either alone or in combination.

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In view of the foregoing, Applicants submit that the Examiner would be fully justified to reconsider and to withdraw this rejection. An early notice that this rejection has been reconsidered and withdrawn is, therefore, earnestly solicited.

Conclusion

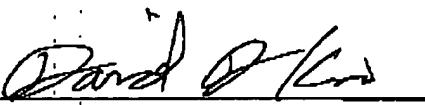
Applicants believe that the foregoing constitutes a bona fide response to all outstanding objections and rejections.

Applicants also believe that this application is in condition for immediate allowance. However, should any issue(s) of a minor nature remain, the Examiner is respectfully requested to telephone the undersigned at telephone number (212) 808-0700 so that the issue(s) might be promptly resolved.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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By 
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